

## **REMARKS**

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-29 and 31-35 are presently pending. No claims have been amended herein. No claims have been withdrawn or canceled herein. No new claims have been added herein.

### **Statement of Substance of Interview**

[0003] Examiner Hoffman graciously talked with me—the undersigned representative for the Applicant—over the telephone on July 11<sup>th</sup>, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to each of us in our common goal of an expedited prosecution of this patent application. During the interview, we discussed removal of the Whitten reference via 35 U.S.C. § 103(c) as subject to assignment to the same assignee.

[0004] Accordingly, Applicant respectfully requests that the Final Office Action, issued March 3<sup>rd</sup>, 2008, be withdrawn and the pending claims allowed over the cited references of record.

### **Formal Request for an Interview**

[0005] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0006] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

**CITED ART SUBJECT TO OBLIGATION OF ASSIGNMENT TO SAME  
ASSIGNEE – 35 U.S.C. § 103 (C)**

[0007] The Applicant respectfully requests that the Examiner remove Whitten et al., US Patent Application Publication No. 2003/0182574, as a prior art reference in prosecution of the instant application as a result of the following statement as set forth in the Manual of Patent Examining Procedure, 706.02(I)(2) II.

[0008] The instant application and the cited reference, U.S. Patent Application Publication No. 2003/0182574, were, at the time the invention of the instant application was made, both subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that the cited art, U.S. Patent Application Publication No. 2003/0182574, only qualifies as prior art under § 102(e), and shared a common assignee with the instant application at the time the subject matter of the instant application was conceived. Thus, U.S. Patent Application Publication No. 2003/0182574, which was cited in combination with Kocher et al., U.S. Patent Application Publication No. 2002/0141582 under § 103(a) should be disqualified under § 103(c).

## **Conclusion**

[0009] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

\_\_\_\_\_/Jacob Rohwer 61,229/\_\_\_\_\_  
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